

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

December 16, 2015

Telephonic Meeting

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Mark Schaerrer, Investigator
Van Kagie, Investigator
Kadee Wright, Investigator
John Bickmore, Investigator
Jill Kelsch, Division Staff
Sarah Nicholson, Division Staff

COMMISSION MEMBERS PRESENT:

Russell K. Booth, Chair
Lerron E. Little, Vice Chair
Lori Chapman, Commissioner
Calvin R. Musselman, Commissioner

GUESTS:

Brian Swan
Kreg Wagner
Kevin Swenson
Dan Naylor
Lance Miller

The December 16, 2015 meeting of the Utah Real Estate Commission began at 9:03 a.m. with Chair Booth conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes as

written from the November 18, 2015 meeting of the Commission. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Musselman, yes. The motion was approved.

There is no public comment.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the draft of the legislative bill was sent to the Office of Legislative Research two weeks ago. Director Stewart will keep the commission updated on the progress of the bill.

Director Stewart reported there was a conference call with Representative Greene and Blaine Walker regarding the TIC rule. Representative Greene was complimentary of changes. Mr. Walker also approved except for some minor changes. This rule update will be presented to the legislature.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in the month of November the Division received 21 complaints; opened 4 cases; closed 9 cases; leaving 261 open cases. There are 65 cases assigned to the AG's office.

Stipulation for Review

Brad Tew

Todd A. Horman

Brooke Glaittli

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported that next month it seems likely we will have 20,000 licensees. The market seems to be growing.

Mr. Fagergren presented the draft rule amendment regarding real estate school branches. Mr. Fagergren went through the language of the proposed draft rule; the language and intent of the rule were discussed by the Commission. Chair Booth would like to review and discuss the rule change next month.

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney presented the rules which have completed the public comment period. The rules updated and clarified the broker experience, clarified filling out legal forms to conform to the statute, allowing administrative proceedings to be formal or informal, and a correction of a reference in the rule. A motion was made to make

the rules date effective today. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion was approved.

Mr. Barney presented the rule updates to R162-2f-102, R162-2f-401a, R162-2f-401i, and R162-2f-401l. The updates are the changes proposed regarding closing gifts, inducement gifts, and auctions. A motion was made to publish the rule amendments to public comment as written, excluding R162-2f-401l (2) and (3) regarding charitable inducements. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Musselman, yes. The motion was approved.

Stipulation for Review

Michael J. Sanchez

Mr. Barney announced Amber Nielsen has been hired on as the new Board Secretary.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Musselman, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 10:39 a.m. to 10:52 a.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Brad Tew - Approved

Todd A. Horman - Approved

Brooke Glaittli - Approved

Michael J. Sanchez - Approved

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion was approved. The meeting adjourned at 10:53 a.m.

